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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,470	09/12/2003	Tor Rafael Lund	134/125	4956

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AVERILL & VARN  
8244 PAINTER AVE.  
WHITTIER, CA 90602

EXAMINER
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WILLATT, STEPHANIE L

ART UNIT	PAPER NUMBER
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3732

DATE MAILED: 03/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/660,470

Applicant(s)

LUND ET AL.

Examiner

Stephanie L. Willatt

Art Unit

3732

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 8-11, 13, 14 and 21-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-11, 13 and 14 is/are allowed.
- 6) ☒ Claim(s) 21-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 21 is objected to because of the following informalities: in line 11 of claim 21, "clippers" should probably be --clipper--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 21-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yang et al. (US 6,553,592) in view of Ohori (US 5,490,327).

In Figures 5-7, Yang et al. discloses a fingernail clipper including jaws and a light emitting device (41) located in the forward portion of the handle (Figure 7). As discussed in column 6, lines 1-5, the light emitting device (41) is used to illuminate "both the jaws and target nail while clipping or trimming nails, thus allowing a user to conveniently and safely clip or trim his nails, particularly in a dark area." In order to see the target nail and jaws in a dark area, it would be necessary to turn the light emitting device (41) prior to cutting the nails.

Yang et al. does not disclose that the holder is shaped with a forward portion that is smaller in cross-section than a hand graspable portion. However, in Figure 3, Ohori discloses a holder (retainer 10) supporting a pair of nail clippers (11). A hand graspable portion is behind a forward portion (front portion of recess 22') and extending substantially rearwardly past the joined end to facilitate holding and operating the pair of nail clippers, as shown in Figure 3. The hand graspable portion is large enough to provide a rest for a user's fingers on one side and palm on the other side. A transition portion (rear portion of recess 22') is between the forward portion (front portion of recess 22') and the hand graspable portion. The forward portion (front portion of recess 22') is smaller in cross-section than the hand graspable portion. The forward portion (front portion of recess 22') and transition portion (rear portion of recess 22') provide a rest for the user's index finger proximal to and behind the blades. The forward portion (front portion of recess 22') and the transition portion (rear portion of recess 22') are rounded. The transition portion (rear portion of recess 22') slopes upwardly and forwardly from the hand graspable portion to the forward portion (front portion of recess 22'). The transition portion (rear portion of recess 22') slopes upwardly and forwardly from the forward portion to the hand graspable portion, as shown in Figure 3. The hand graspable portion is rounded. The holder (retainer 10) is shaped as described above in order to facilitate manipulation of the nail clipper (11) and holder (retainer 10) during use, as explained in column 2, lines 25-28.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the holder of Yang et al. shaped with a forward portion that

is smaller in cross-section than a hand graspable portion, as taught by Ohori, in order to facilitate manipulation of the nail clipper and holder during use.

When manipulating the combination of Yang et al. and Ohori to cut fingernails in a dark area, the user must first turn the light emitting device on prior to cutting the nails so that he can see what he is cutting, as discussed in column 5, lines 19-25 of Yang et al. Then, the user holds hand graspable portion of the clippers between user's fingers and palm. The index finger rests in the recess (22') taught by Ohori, which is proximal to and behind the blades of the fingernail clippers. Next, the user positions the blades of the fingernail clipper to cut a fingernail, as discussed in column 2, lines 50-54 of Ohori. Finally, the user depresses the operating lever to cut the fingernail. When the Yang/Ohori combination clippers are used in a dark area and the light emitting device (41) of Ohori is illuminating the jaws and the target nail, the interior of the finger of the target nail will be illuminated due to its proximity to the light emitting device. Lines 40-43 of column 5 of Yang state that the light emitting device (41) may be moved to change the lighting angles as desired.

#### ***Allowable Subject Matter***

Claims 8-11, 13, and 14 are allowed.

#### ***Response to Arguments***

4. Applicant's arguments with respect to claim 21 have been considered but are moot in view of the new ground(s) of rejection.

**Conclusion**

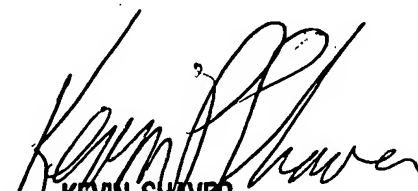
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rodgers discloses an animal claw clipper that illuminates the interior of the claw to determine where living tissue is located within the claw. Moulton discloses a fingernail clipper including a light source.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephanie L. Willatt whose telephone number is (571) 272-4721. The examiner can normally be reached on M-F (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin P. Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
slw

  
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SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700